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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 JOHN ROBERT DEMOS,

9 Plaintiff,

10 v.

11 STATE OF WASHINGTON,

12 Defendant.

CASE NO. C22-5261-RSM-BAT

**REPORT AND
RECOMMENDATION**

13 Plaintiff is well-known locally and nationally as an abusive litigant. He is under pre-filing
14 bar orders in a number of courts, including this Court, the Eastern District of Washington, the
15 Washington State courts, the Ninth Circuit Court of Appeals, and the United States Supreme
16 Court. *See, e.g., Demos v. Storrie*, 507 U.S. 290, 291 (1993). In the current proposed action,
17 plaintiff submits a “Motion for Clarification” in which he asserts that two clauses of the
18 Washington state constitution conflict with the United States Constitution as a matter of law.
19 Dkt. 1-1, at 1–4. He does not, however, set forth a case or controversy or suggest how he has
20 been personally affected by the purported conflict. Plaintiff has filed an IFP application. Dkt. 1.

21 As a bar order litigant, plaintiff may submit only **three** IFP applications and proposed
22 actions each year. *See In re John Robert Demos*, MC91-269-CRD (W.D. Wash. Jan. 16, 1992);
23 *In re Complaints and Petitions Submitted by John Robert Demos* (W.D. Wash. Dec. 15, 1982).

1 Furthermore, under 28 U.S.C. § 1915(g), plaintiff must demonstrate “imminent danger of serious
2 physical injury” to proceed IFP because he has had numerous prior actions dismissed as
3 frivolous, malicious, or for failure to state claim. *See Demos v. Lehman*, MC99-113-JLW (W.D.
4 Wash. Aug. 23, 1999).

5 Plaintiff may not proceed with this action. Because plaintiff has had more than three prior
6 actions dismissed as frivolous, malicious, or for failure to state a claim, he may not proceed *in*
7 *formal pauperis* unless he alleges that he is in “imminent danger of serious physical injury.” 28
8 U.S.C. § 1915(g); *Demos*, MC99-113-JLW. Plaintiff’s proposed complaint does not contain “a
9 plausible allegation that [he] faced imminent danger of serious physical injury at the time of
10 filing.” *Andrews v. Cervantes*, 493 F.3d 1047 (9th Cir. 2007) (internal citations omitted). It also
11 contains no federal claims and is patently frivolous.

12 The Court recommends **DENYING** plaintiff IFP status and **DISMISSING** the proposed
13 complaint, Dkt. 1, without prejudice in accordance with 28 U.S.C. § 1915(g) and standing bar
14 orders. *See In re John Robert Demos*, MC91-269-CRD (W.D. Wash. Jan. 16, 1992); *In re*
15 *Complaints and Petitions Submitted by John Robert Demos* (W.D. Wash. Dec. 15, 1982). A
16 proposed Order is attached.

17 The Clerk should note the matter for **April 20, 2022**, as ready for the District Judge’s
18 immediate consideration.

19 DATED this 20th day of April 2022.

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22 BRIAN A. TSUCHIDA
23 United States Magistrate Judge